

**Draft Summary of the Environmental Work Group Meeting
Oroville Facilities Relicensing (FERC Project No. 2100)
May 23, 2001**

The Department of Water Resources (DWR) hosted the Environmental Work Group meeting on May 23, 2001 in Oroville.

A summary of the discussion, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary of the discussion for information purposes for interested parties who could not attend the meeting.

Introduction

Attendees were welcomed to the Environmental Work Group meeting. The meeting objectives were discussed. The Environmental Work Group Meeting agenda and list of meeting attendees and their affiliations are appended to this summary as Attachments 1 and 2, respectively. Flip chart notes taken during the meeting are included as Attachment 3.

Action Items – April 18, 2001 Environmental Work Group Meeting

A summary of the April 18, 2001 Environmental Work Group meeting is posted on the project web site. The Facilitator reviewed the status of action items from the April 18 Environmental Work Group meeting as follows:

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| Action Item #E23: | Cross-check Issue Statements against issues list (including issue numbers) to confirm that issues are accurately identified. |
| Status: | Completed. |
| Action Item #E24: | Provide strikeout versions of documents to the Task Force and Environmental Work Group for comparison. |
| Status: | Completed. |
| Action Item #E25: | Provide Engineering and Operations Issue Statements to the Environmental Work Group. |
| Status: | Completed. |
| Action Item #E26: | Provide original Issue Statements and consolidated comments to the Environmental Work Group to track original submittal with revised text. |
| Status: | Completed. |
| Action Item #E27: | Develop Process Graphic – “Where have we been, where are we now, where are we going, how do we getting there?” |
| Status: | Being drafted. Some elements may be discussed at this meeting. |
| Action Item #E28: | Describe process for Issue Sheet development. |
| Status: | Included in this agenda. |
| Action Item #E29: | Presentation of Endangered Species Act Issues and Approach. |
| Status: | Included in this agenda. |
| Action Item #E30: | Identify projects with Biological Opinions (BO) and Biological Assessments (BA) similar to issues associated with Oroville Facilities as examples. |
| Status: | Wayne Dyok of the consulting team reported that a search of the FERC web site revealed no BOs and BAs for projects similar to the Oroville Facilities Relicensing. The search parameters extended back to 1998. Michael Morse from FWS suggested the Mokolumne River project from 1996. He added there were no other recent BOs for hydropower relicensing, but that several were being prepared. |

Carryover Action Item

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| Action Item #E22: | DWR to author a Joint Task Force proposal between Environmental and Engineering and Operations Work Groups regarding disposition of geomorphology and hydrologic issues, integration with modeling efforts and general issue tracking procedures. |
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Status: Steve Ford from DWR reported that the proposal would be ready for the next Environmental Work Group meeting. He added that he was meeting with the consultants and staff tasked with developing the information for the proposal, including modeling needs, and that there had already been significant sharing of information between the interested parties. The Facilitator added that the modeling group was beginning the process of identifying modeling needs of the various Work Groups.

- ♦ Sharon Stohrer of the SWRCB asked that the modeling group provide the Environmental Work Group with a status report at their next meeting regarding modeling for the relicensing effort.

Endangered Species Act (ESA) Consultation Update

Steve Ford reported that DWR is reviewing the new NMFS BO to determine what recommendations it makes regarding the operations of the Feather River facilities. He agreed to bring copies of the BO to the next Environmental Work Group meeting.

Steve Ford also reported on the status of the long-term BO under consideration. He mentioned that FWS had determined that its existing opinions were adequate until USBR and DWR develop a new long-term opinion for the new CALFED water conveyance facilities. USBR, DWR and NMFS are considering developing a two-year NMFS opinion for salmon and steelhead that will act as a bridge to a longer-term opinion.

ESA Implementation

Michael Morse reported on developments regarding ESA implementation and the relicensing process. He distributed two documents to the Environmental Work Group, Interagency Task Force Report (ITFR) on Improving Coordination of ESA Section 7 Consultation with the FERC Licensing Process and Draft ESA responsibilities under the ALP process. Both documents are appended to this summary as Attachment 4 and 5 respectively.

Michael stressed that the ALP process required agencies with responsibilities to enforce ESA to adapt their approach to accommodate the collaborative process. These agencies will meet to develop implementation guidelines designed to engage the collaborative while maintaining the Section 7 process. He emphasized that the ITFR document was intended to help participants understand the link between ESA compliance and public input to the relicensing effort. The one page document (Draft ESA responsibilities) outlines the FWS local perspective on how the ALP and ESA process will interact with the Oroville Relicensing schedule.

Steve Ford added that the Federal agencies would have two roles, providing input to the ALP as part of the collaborative, and implementing ESA. DWR wants to have the fishery agencies bring their ESA concerns here and make them part of the collaborative process and provide input into the Biological Assessment (BA). This should assist the agencies when crafting the BO. The BO will hopefully be consistent with the agreements developed by the collaborative. If not, DWR would likely have to bring back the settlement agreements to the collaborative group to be reconciled with the BO, or hand it over to FERC to resolve the inconsistencies.

- ♦ Sharon Stohrer asked how the collaborative process would be integrated into the BO and BA process. Would the public have a participatory role in writing the draft BA? Michael Morse responded DWR is still responsible for writing the BA and information will be generated through the collaborative. The FWS is responsible for preparing the BO.
- ♦ One participant asked about integrating existing BOs into the relicensing process, and the boundary of the current ESA consultation. Michael responded that the agencies were already following the guidelines of the existing opinions, and that it was not their goal to re-write them as part of this process. The scope of the new BO will at the minimum be the current FERC boundary but may expand to meet the requirements of the relicensing effort.

Task Force Reports

Conceptual Approach to Issue Sheet and Study Plan Development

Wayne Dyok reported that at their previous meeting the Environmental Work Group agreed to initiate a small Task Force to help define the structure and process for Issue Sheet development and how it relates to study plan development. The Task Force met and created guidelines for Issue Sheet development and then used the guidelines to prepare five Draft Issue Sheets for consideration by the Environmental Work Group.

The Facilitator provided a brief overview of the elements of an Issue Sheet and how Issue Sheet development correlated with other Work Group activities (scoping document preparation, and study plan development). She emphasized that the Issue Sheets are working documents for the Environmental Work Group to use while crafting study plans. The more clearly the Issue sheets reflect the Environmental Work Group's collective intent with regard to each Issue Statement, the more precise and focused the Study Plans can be.

The Environmental Work Group discussed NEPA scoping within the context of the graphic provided by the Facilitator and how it related to study plan development. The group agreed that when developing resource goals positional bargaining should be avoided. They also agreed that the Scoping Document describes the broad range of issues in the community, and that it is the first step in determining which issues require further study and which issues do not. Study plans are the result of Issue Sheet development.

Environmental Task Force Issue Statement Revisions

Wayne Dyok reported that the Environmental Task Force met on May 1, 2001 to review and revise Issue Statements based on comments from the last Environmental Work Group meeting. The Task Force focused on making sure that issues were properly referenced to Issue Statements and added Water Quality statements #17 and #18, based on participant comments. Redline/Strikeout versions of the revised Issue Statements were distributed to the Environmental Work Group for review, comment, and approval for recommendation to the Plenary Group and inclusion in Scoping Document 1.

Chuck Bonham of Trout Unlimited identified the need for cumulative effect studies and the resulting discussion culminated in several suggested word changes to issue statements. The group discussed the general non-agency or NGO participant's reaction to the word 'past' and how that differs from how 'past' is used to describe evaluations required under NEPA that consider cumulative effects of a project when viewed in combination with 'past, present, and reasonably foreseeable projects'. They agreed that when discussing the past, time frames for analysis did not extend before construction of the dam. It was noted that there might be important information available when evaluating the pre-project environment that could be used to set the stage or place the project in proper context, but FERC consistently considers 'existing conditions' to be current project environment, not pre-construction conditions.

The Environmental Work Group reviewed each set of Consolidated Issue Statements and provided comments and revisions. The Draft Consolidated Issue List incorporating revisions made by the Environmental Work Group at this meeting is appended to the Summary as Attachment 6.

The Environmental Work Group agreed to recommend the revised Issue Statements to the Plenary Group for review and incorporation into Scoping Document I.

Issue Sheet Development

The Task Force prepared sample Issue Sheets for distribution to the Environmental Work Group prior to this meeting. Wayne Dyok described the elements of the Issue Sheet and how they relate to study plan development. He reviewed the development of the Issue Statements, and clarified that resource goals are collections of representative perspectives. He asked that the Environmental Work Group review the five Issue Sheets, and provide comments that can be used to craft the remaining Issue Sheets. Those sheets would be distributed to the Environmental Work Group for review and revision at their next meeting.

The Environmental Work Group reviewed Issue Sheets for Terrestrial Resource Issue #7 (Projects Effects on Noxious Terrestrial and Aquatic Plant Species), Terrestrial Resource Issue #5 (Project Effects on Riparian Resources and Wetlands), and Water Quality and Quantity Resource Issue #6 (Metals Accumulation in Sediments and Organisms). Revised Issue Sheets Terrestrial Resource Issue #7, Terrestrial Resource Issue #5, and Water Quality and Quantity Resource Issue #6, are appended to this summary as Attachment 7.

The Environmental Work Group discussed how individual issues relate to resource goals. Wayne Dyok suggested that some issues were clearly resource goals (e.g. enhancement of anadromous fish); others were less clear or were more likely data requests (e.g. survey cultural resource sites). He told the group that the Task Force made a determination for each issue, occasionally interpreting the intent of the person making the statement. The Environmental Work Group recognized that Issue Sheets are working tools for developing Study Plans so do not require significant wordsmithing until everyone agrees. They agreed that resource goals are statements that represent an individual's perspective, and do not imply priority or importance, and may be in conflict with one another. They also agreed that it was important to proceed with Issue Sheet development quickly to begin Study Plan development as soon as possible.

The Environmental Work Group spent considerable time discussing the geographic scope for each Issue Sheet. Wayne Dyok explained that the Task Force had made an estimate of geographic scope based on the best information available, but that it could be changed after the Environmental Work Group had discussed specific sheets in more detail.

- ♦ Ken Kules from MWD asked where the nexus exists between the specific issue statement on noxious weeds and the project. The Issue Statement seems to assume that the project facilitates the spread of noxious weeds. Rick Sitts from MWD suggested that a conceptual model describing how weeds were introduced to the system, and how the project facilitates the movement of weeds should be developed. There should be a reasonable link between project operations and the issue being studied and that should be true for all issue statements. Studies should be focused to nexus issues and while noxious weeds may be a problem, they may have nothing to do with the project facilities or operations, existing or proposed.
- The Environmental Work Group discussed studies that may benefit from being initiated prior to the completion of the study plans. These studies would deal specifically with issues pertaining to the anticipated fall low water levels this year, or issues that would substantially benefit from early study start. DWR and consulting staff offered to draft a list of potential studies for Task Force review, revision and approval. DWR will report to the Environmental Work Group at their next meeting.
- The Environmental Work Group discussed options to most efficiently develop Issue Sheets and agreed that the focused nature of the Task Forces would be best to continue development of the Issue Sheets. The Environmental Work Group agreed that the Task Forces should meet in June over a two-day period (including the day initially identified for the next Environmental Work Group meeting), and reporting back to the next Environmental Work Group meeting in July. The Task Forces would meet from 9:30 a.m. to 4:00 p.m. on June 27 and 28, location to

be announced. June 27 will be Water Quality in the morning and Geology/Geomorphic Processes in the afternoon. June 28 will start with Terrestrial in the morning followed by Fisheries in the afternoon.

- The Environmental Work Group discussed the framework for the study plans and requested DWR and the consulting staff to prepare an annotated Study Plan outline and distribute to the Environmental Work Group for comment. DWR requested a short review period for this activity so the Task Force and staff who are continuing to prepare Issue Sheets and beginning to draft proposed study plans can adjust to comments as soon as possible. The Environmental Work Group agreed to review the detailed outline of a Study Plan and provide comment to DWR within 5 days of receipt.

Next Meeting

The Environmental Work Group agreed to the following:

1. Use the time scheduled for the June Environmental Work Group meeting as focused Task Force meeting time and include a second day.
 - June 27, 9:30 a.m. to noon, Water Quality Task Force
 - June 27, 1:00 p.m. to 4:00 p.m., Geology/Geomorphic Processes Task Force
 - June 28, 9:30 a.m. to noon, Terrestrial Task Force
 - June 28, 1:00 p.m. to 4:00 p.m., Fisheries. Meeting locations to be announced.
2. Environmental Work Group meet on July 25, 2001 from 9:30 a.m. to 3:00 p.m. Meeting location to be announced.

Agreements Made

1. The Environmental Work Group agreed to convene the Task Forces on June 27, and 28, 2001 to revise draft Issue Sheets based on Environmental Work Group comments from the May 23, 2001 meeting, and further develop Issue Sheets for each Issue Statement.
2. The Environmental Work Group agreed to recommend the revised Issue Statements to the Plenary Group for inclusion in Scoping Document I.
3. The Environmental Work Group agreed to meet again on July 25, 2001 from 9:30 a.m. to 3:00 p.m. (location to be announced).
4. The Environmental Work Group agreed to review the detailed outline of a Study Plan and provide comment to DWR within 5 days of receipt.

Action Items

The following list of action items identified by the Environmental Work Group includes a description of the action, the participant responsible for the action, and due date.

Action Item #E30: Modeling Group presentation to the Environmental Work Group.
Responsible: DWR staff/Modeling Group
Due Date: July 25, 2001

Action Item #E31: Presentation and Discussion of ESA Section 7.
Responsible: USFWS
Due Date: July 25, 2001

Action Item #E32: Provide to the Environmental Work Group a detailed outline of a study plan for review and comment. Comments on outline are due to DWR within 5 days of receipt.
Responsible: DWR Staff/Environmental Work Group
Due Date: June 7, 2001

Action Item #E33: DWR staff to prepare revised Issue Sheets for Task Force review and comment.

Responsible: DWR Staff and Consulting Team

Due Date: June 18, 2001

Action Item #E34: Prepare a list of time-sensitive studies that may need to be expedited for priority study plan development.

Responsible: DWR Staff and consultants

Due Date: July 25, 2001